



February 15, 2002

ENGROSSED SENATE BILL No. 407

DIGEST OF SB 407 (Updated February 13, 2002 10:13 AM - DI 71)

Citations Affected: IC 20-10.1; IC 21-2.

Synopsis: School air quality. Requires the state department of health (department) to establish an indoor air quality in schools program. Requires the department to inspect the air quality of a school if the department has received a complaint about the quality of air in the school and to work with the school to develop a reasonable plan to improve air quality. Allows schools to use capital projects funds for compliance if the costs of compliance are at least \$25,000.

Effective: July 1, 2002.

Miller, Craycraft, Gard, Landske
(HOUSE SPONSORS — WELCH, PORTER)

January 10, 2002, read first time and referred to Committee on Health and Provider Services.

January 24, 2002, amended, reported favorably — Do Pass.

January 28, 2002, read second time, ordered engrossed. Engrossed.

January 31, 2002, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Education.

February 14, 2002, amended, reported — Do Pass.

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ES 407—LS 7214/DI 107+



February 15, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 407

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-10.1-33 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]:

4 **Chapter 33. Indoor Air Quality in Schools**

5 **Sec. 1. As used in this chapter, "school" refers to a:**

- 6 (1) public; or
7 (2) accredited nonpublic;

8 **school.**

9 **Sec. 2. (a) The state department of health shall adopt rules**
10 **under IC 4-22-2 to establish an indoor air quality in schools**
11 **inspection and evaluation program to:**

- 12 (1) inspect and evaluate the indoor air quality of schools in
13 Indiana; and
14 (2) assist schools in developing plans to improve indoor air
15 quality.

16 **(b) The state department of health shall:**

- 17 (1) inspect a school for which the department has received a

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- 1 **complaint about the quality of air in the school;**
 2 **(2) report the results of the inspection to:**
 3 **(A) each school's principal;**
 4 **(B) the Indiana state board of education; and**
 5 **(C) the appropriate local or county board of health; and**
 6 **(3) assist the school in developing a reasonable plan to**
 7 **improve air quality conditions found in the inspection.**

8 SECTION 2. IC 21-2-15-4, AS AMENDED BY P.L.240-1999,
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2002]: Sec. 4. (a) A school corporation may establish a capital
 11 projects fund.

12 (b) With respect to any facility used or to be used by the school
 13 corporation (other than a facility used or to be used primarily for
 14 interscholastic or extracurricular activities, except as provided in
 15 subsection (i)), the fund may be used to pay for the following:

- 16 (1) Planned construction, repair, replacement, or remodeling.
 17 (2) Site acquisition.
 18 (3) Site development.
 19 (4) Repair, replacement, or site acquisition that is necessitated by
 20 an emergency.

21 (c) The fund may be used to pay for the purchase, lease, repair, or
 22 maintenance of equipment to be used by the school corporation (other
 23 than vehicles to be used for any purpose and equipment to be used
 24 primarily for interscholastic or extracurricular activities, except as
 25 provided in subsection (i)).

26 (d) The fund may be used for any of the following purposes:

- 27 (1) To purchase, lease, upgrade, maintain, or repair one (1) or
 28 more of the following:
 29 (A) Computer hardware.
 30 (B) Computer software.
 31 (C) Wiring and computer networks.
 32 (D) Communication access systems used to connect with
 33 computer networks or electronic gateways.
 34 (2) To pay for the services of full-time or part-time computer
 35 maintenance employees.
 36 (3) To conduct nonrecurring inservice technology training of
 37 school employees.
 38 (4) To fund the payment of advances, together with interest on the
 39 advances, from the common school fund for educational
 40 technology programs under IC 21-1-5.
 41 (5) To fund the acquisition of any equipment or services
 42 necessary:



- 1 (A) to implement the technology preparation curriculum under
 2 IC 20-10.1-5.6;
 3 (B) to participate in a program to provide educational
 4 technologies, including computers, in the homes of students
 5 (commonly referred to as "the buddy system project") under
 6 IC 20-10.1-25, the 4R's technology program under
 7 IC 20-10.1-25, or any other program under the educational
 8 technology program described in IC 20-10.1-25; or
 9 (C) to obtain any combination of equipment or services
 10 described in clauses (A) and (B).
 11 (e) The fund may be used to purchase:
 12 (1) building sites;
 13 (2) buildings in need of renovation;
 14 (3) building materials; and
 15 (4) equipment;
 16 for the use of vocational building trades classes to construct new
 17 buildings and to remodel existing buildings.
 18 (f) The fund may be used for leasing or renting of existing real
 19 estate, excluding payments authorized under IC 21-5-11 and
 20 IC 21-5-12.
 21 (g) The fund may be used to pay for services of the school
 22 corporation employees that are bricklayers, stone masons, cement
 23 masons, tile setters, glaziers, insulation workers, asbestos removers,
 24 painters, paperhangers, drywall applicators and tapers, plasterers, pipe
 25 fitters, roofers, structural and steel workers, metal building assemblers,
 26 heating and air conditioning installers, welders, carpenters, electricians,
 27 or plumbers, as these occupations are defined in the United States
 28 Department of Labor, Employment and Training Administration,
 29 Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:
 30 (1) the employees perform construction of, renovation of,
 31 remodeling of, repair of, or maintenance on the facilities and
 32 equipment specified in subsections (b) and (c);
 33 (2) the school corporation's total annual salary and benefits paid
 34 by the school corporation to employees described in this
 35 subsection are at least six hundred thousand dollars (\$600,000);
 36 and
 37 (3) the payment of the employees described in this subsection is
 38 included as part of the proposed capital projects fund plan
 39 described in section 5(a) of this chapter.
 40 However, the number of employees that are covered by this subsection
 41 is limited to the number of employee positions described in this
 42 subsection that existed on January 1, 1993. For purposes of this

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1 subsection, maintenance does not include janitorial or comparable
2 routine services normally provided in the daily operation of the
3 facilities or equipment.

4 (h) The fund may be used to pay for energy saving contracts entered
5 into by a school corporation under IC 36-1-12.5.

6 (i) Money from the fund may be used to pay for the construction,
7 repair, replacement, remodeling, or maintenance of a school sports
8 facility. However, a school corporation's expenditures in a calendar
9 year under this subsection may not exceed five percent (5%) of the
10 property tax revenues levied for the fund in the calendar year.

11 (j) **Money from the fund may be used to carry out a plan**
12 **developed under IC 20-10.1-33 if the cost of compliance with the**
13 **plan is at least twenty-five thousand dollars (\$25,000).**

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SENATE MOTION

Mr. President: I move that Senator Craycraft be added as second author and Senator Gard be added as coauthor of Senate Bill 407.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 407, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, delete "every school" and insert "**schools**".

Page 2, line 14, after "inspect" delete "each" and insert "**a**".

Page 2, line 14, delete "in Indiana each year for" and insert "**for which the department:**

(A) has received a complaint about the quality of air in the school; or

(B) determines that an inspection is needed in order to determine".

Page 2, line 27, after "more" insert "**than**".

Page 2, after line 29, begin a new paragraph and insert:

"SECTION 2. IC 21-2-15-4, AS AMENDED BY P.L.240-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A school corporation may establish a capital projects fund.

(b) With respect to any facility used or to be used by the school corporation (other than a facility used or to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (i)), the fund may be used to pay for the following:

- (1) Planned construction, repair, replacement, or remodeling.
- (2) Site acquisition.
- (3) Site development.
- (4) Repair, replacement, or site acquisition that is necessitated by an emergency.

(c) The fund may be used to pay for the purchase, lease, repair, or maintenance of equipment to be used by the school corporation (other than vehicles to be used for any purpose and equipment to be used primarily for interscholastic or extracurricular activities, except as provided in subsection (i)).

(d) The fund may be used for any of the following purposes:

- (1) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:
 - (A) Computer hardware.
 - (B) Computer software.
 - (C) Wiring and computer networks.
 - (D) Communication access systems used to connect with computer networks or electronic gateways.

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(2) To pay for the services of full-time or part-time computer maintenance employees.

(3) To conduct nonrecurring inservice technology training of school employees.

(4) To fund the payment of advances, together with interest on the advances, from the common school fund for educational technology programs under IC 21-1-5.

(5) To fund the acquisition of any equipment or services necessary:

(A) to implement the technology preparation curriculum under IC 20-10.1-5.6;

(B) to participate in a program to provide educational technologies, including computers, in the homes of students (commonly referred to as "the buddy system project") under IC 20-10.1-25, the 4R's technology program under IC 20-10.1-25, or any other program under the educational technology program described in IC 20-10.1-25; or

(C) to obtain any combination of equipment or services described in clauses (A) and (B).

(e) The fund may be used to purchase:

- (1) building sites;
- (2) buildings in need of renovation;
- (3) building materials; and
- (4) equipment;

for the use of vocational building trades classes to construct new buildings and to remodel existing buildings.

(f) The fund may be used for leasing or renting of existing real estate, excluding payments authorized under IC 21-5-11 and IC 21-5-12.

(g) The fund may be used to pay for services of the school corporation employees that are bricklayers, stone masons, cement masons, tile setters, glaziers, insulation workers, asbestos removers, painters, paperhangers, drywall applicators and tapers, plasterers, pipe fitters, roofers, structural and steel workers, metal building assemblers, heating and air conditioning installers, welders, carpenters, electricians, or plumbers, as these occupations are defined in the United States Department of Labor, Employment and Training Administration, Dictionary of Occupational Titles, Fourth Edition, Revised 1991, if:

- (1) the employees perform construction of, renovation of, remodeling of, repair of, or maintenance on the facilities and equipment specified in subsections (b) and (c);
- (2) the school corporation's total annual salary and benefits paid

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by the school corporation to employees described in this subsection are at least six hundred thousand dollars (\$600,000); and

(3) the payment of the employees described in this subsection is included as part of the proposed capital projects fund plan described in section 5(a) of this chapter.

However, the number of employees that are covered by this subsection is limited to the number of employee positions described in this subsection that existed on January 1, 1993. For purposes of this subsection, maintenance does not include janitorial or comparable routine services normally provided in the daily operation of the facilities or equipment.

(h) The fund may be used to pay for energy saving contracts entered into by a school corporation under IC 36-1-12.5.

(i) Money from the fund may be used to pay for the construction, repair, replacement, remodeling, or maintenance of a school sports facility. However, a school corporation's expenditures in a calendar year under this subsection may not exceed five percent (5%) of the property tax revenues levied for the fund in the calendar year.

(j) Money from the fund may be used to comply with IC 20-10.1-33 if the cost of compliance is at least twenty-five thousand dollars (\$25,000)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 407 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Landske be added as coauthor of Engrossed Senate Bill 407.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 407, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, after "(2)" insert "**accredited**".

Page 1, line 10, delete "do the following:".

Page 1, line 11, delete "(1) Establish" and insert "**establish**".

Page 1, run in lines 10 through 11.

Page 1, line 12, after "to" insert ":

(1)".

Page 1, line 13, delete "." and insert "; **and**

(2) assist schools in developing plans to improve indoor air quality.".

Page 1, delete lines 14 through 17.

Page 2, delete lines 1 through 12.

Page 2, line 14, delete ":".

Page 2, line 15, delete "(A)".

Page 2, run in lines 14 through 15.

Page 2, line 16, delete "or".

Page 2, delete lines 17 through 19.

Page 2, line 23, delete "." and insert "; **and**

(3) assist the school in developing a reasonable plan to improve air quality conditions found in the inspection.".

Page 2, delete lines 24 through 32.

Page 4, line 36, delete "comply with" and insert "**carry out a plan developed under**".

Page 4, line 37, after "compliance" insert "**with the plan**".

and when so amended that said bill do pass.

(Reference is to SB 407 as printed January 25, 2002.)

PORTER, Chair

Committee Vote: yeas 12, nays 0.

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